

**Applicant:** Hildred Huyssoon

**Agent:** Jack's High Country Inc.

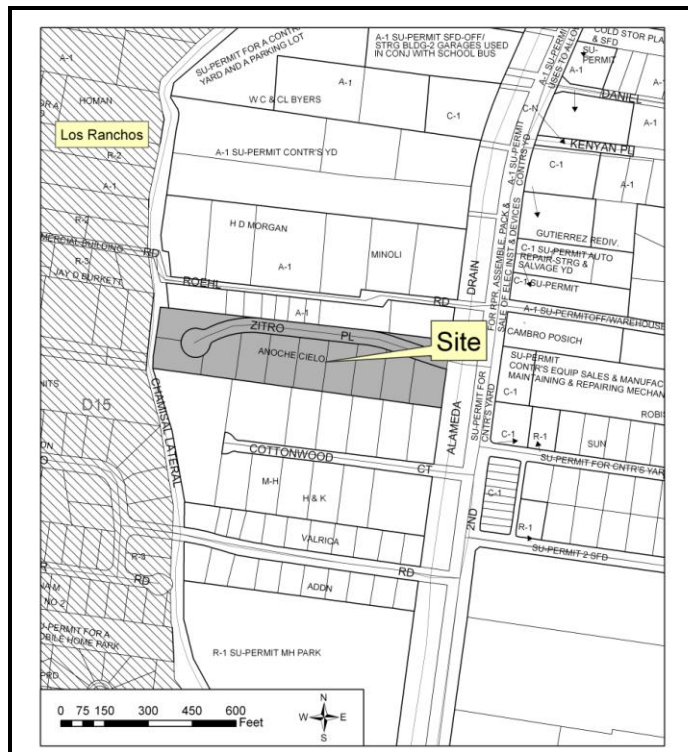
**Location:** HilBrooke Estates Place

**Property Size:** 5.12 acres (approximately)

**Existing Zone:** R-1

**Request:** Vacation of Plat

**Recommendation:** Approval



**Summary:** The applicant is seeking to vacate the plat of a subdivision (Anoche Cielo) on a 5.12 acre property in the North Valley that included 10 lots, a road, and one tract of open space. The property is located on the west side of Second St., to the north of Cottonwood Court. Under the request, all lot lines, easements, and streets that were platted under the Anoche Cielo Subdivision would be removed from the plat and the property, reverting the property back to the three MRGCD lots that existed prior to the subdivision of the property.

**Staff Planner:** Catherine VerEecke, Program Planner

**Attachments:**

1. Application for Vacation of Plat
2. Land Use and Zoning Maps
3. Plat, dated August April 26, 2010 (Commissioners only)

**AGENDA ITEM NO.: 13**  
**County Planning Commission**  
**June 2, 2010**

SC-20100001 Jack's High County Inc., agent for Hilred Huyssoon, requests approval for vacation of plat for Lots 1 – 10, & Tract A on HilBrooke Estates Place NW, zoned R-1, and containing approximately 5.12 acres. (D-15)

**AREA CHARACTERISTICS AND ZONING HISTORY**  
**Surrounding Zoning & Land Uses**

	<b>Zoning</b>	<b>Land use</b>
<b>Site</b>	R-1	Vacant
<b>North</b>	A-1	Single Family Residential
<b>South</b>	M-H	Single Family Residential
<b>East</b>	C-1 ----	Commercial Second Street/Alameda Drain
<b>West</b>	R-1 & A-1	Single Family Residential

## **BACKGROUND:**

### **The Request**

The applicant is seeking to vacate the plat of a subdivision (Anoche Cielo) on a 5.12 acre property in the North Valley. The subdivision includes 10 single family residential lots and one tract of open space. The property is located on the west side of Second St., to the north of Cottonwood Court and north of Osuna Rd. It is currently undeveloped. Under the request, all lot lines, easements, and streets will be removed from the plat and the property, resulting in restoring the property to the three MRGCD lots that existed on the property prior to the subdivision plat. The property has R-1 zoning and is vacant.

The final plat for the Anoche Cielo subdivision (SC-60007) was approved by the County Development Authority (CDRA) in December 2007 and recorded in March 2008. The original name of the street (Zitro Place NW) was changed to HilBrooke Estates Place NW in 2008 (SNC-80002). The current property owner is now requesting that the plat be vacated to restore the property to the previous three lots.

### **Surrounding Land Uses and Zoning**

The subject property is located in a residential neighborhood along the west side of Second St., which has a semi-rural character. Properties to the north of the subject property have A-1 zoning and properties to the south have M-H zoning. The subject property was granted a zone change from A-1 to R-1 in April 2006 (CZ-50006). On the east side of Second St. (fronting Second St.), a majority of properties have non-residential uses.

## **APPLICABLE PLANS AND POLICIES:**

### **Albuquerque/Bernalillo County Comprehensive Plan**

The site is located in the Semi-Urban Area as delineated in the Albuquerque/Bernalillo County Comprehensive Plan. The principal goal for this area is to “maintain the character and identity of semi-urban areas which have environmental, social or cultural conditions limiting urban land uses.”

### **North Valley Area Plan**

This property is located within the Semi-Urban area of the North Valley Area Plan. The plan states that properties in this area may have special soil and water limitations or scenic, agricultural, or recreational assets, with the appropriate gross density at 1 to 3 dwelling units per acre.

### **Bernalillo County Subdivision Ordinance**

#### Sec. 74-63. Vacation of Plat

- (a) Any final plat, or a portion thereof, filed in the office of the county clerk may be vacated if:
- (1) The owner(s) of the land proposed to be vacated shall sign an acknowledgment statement, declaring their intent of the final plat or a portion of the final plat to be vacated, and the statement is approved by the county; or

(2) The county finds that a plat shall be initiated by submittal of the statement of vacation to the county clerk, along with the names of all owners of record of property within the subdivided land to be vacated and the names of all owners of record of property contiguous to the subdivided land to be vacated.

(b) *Statement of vacation.* The vacation of all or a portion of a final plat shall be initiated by submittal of the statement of vacation to the office of the county clerk, along with the names of all owners of record of property within the subdivided land to be vacated and the names of all owners of record of property contiguous to the subdivided land to be vacated.

(c) *Scheduling and notification.* Within 60 days after the date of receipt of the statement of vacation, the county planning commission shall approve or deny the vacation, subject to the following:

(1) Public hearing on all applications shall be held by the Bernalillo County Planning Commission in accordance with the procedures herein described:

a. The Bernalillo County Planning Commission must fix a regular time and place for regular hearings.

b. Public notice of the hearing at which the application is to be considered must be given by at least one publication in a daily newspaper of general circulation in Bernalillo County at least 15 days before the date of the hearing; and

c. Public notice of hearing by certified mail, return receipt requested, not less than five days before the date of the hearing, to the owners of all property from the exterior boundaries of the area proposed to be changed, using for these purposes the last known name and address of the owner shown in the records of the Bernalillo County Assessor. For properties that are less than two acres in area the notification radius shall be 200 feet, for properties in excess of two acres the notification radius shall be 500 feet.

d. The applicant must post and maintain one or more signs as provided by the county, 15 days before and after the date of the hearing by the Bernalillo County Planning Commission. The applicant is responsible for removal of the sign(s) 16 days after the hearing, unless the recommendation is appealed. Failure to properly post and maintain sign(s) is grounds for deferral or denial of the request.

(2) All relevant utilities, and any government agencies, as deemed necessary, have been notified.

(d) *Action.* In approving the vacation of all or a part of final plat, the county planning commission shall decide whether the vacation will adversely affect the interest of persons on contiguous land or of persons within the subdivision being vacated. In approving the vacation of all or a portion of a final plat, the county planning commission may require that roads dedicated to the county in the final plat continue to be dedicated to the county.

(1) *Procedure.* The Bernalillo County Planning Commission shall make its decision on each application, and in the event of approval shall make a recommendation to the board of county commissioners. The board of county commissioners shall not authorize the vacation until it receives such a recommendation.

a. The board of county commissioners shall sustain the recommendation of the Bernalillo County Planning Commission without modification unless (1) the

recommendation is appealed, or (2) by majority vote of the members present, designate an item for review on the record and may allow new evidence by the parties.

In the event an item is designated for review, the board of county commissioners shall defer the item to the next regularly scheduled board of county commissioner zoning meeting to allow re-notification and advertisement of this item.

b. In approving any application, the Bernalillo County Planning Commission shall impose minimum requirements as required by this section together with such additional requirements as the Bernalillo County Planning Commission deems necessary to safeguard the public welfare, safety, health, morals, convenience, and best interest of the adjoining property, the neighborhood, and the community.

c. The Bernalillo County Planning Commission must keep minutes of its proceedings, including a record of the vote of each member on each question, and the minutes must be public records. All material and documents submitted shall become part of the record.

d. Recommendation for any application for a vacation shall be void if not submitted to the board of county commissioners within six months after the date of determination by the Bernalillo County Planning Commission, or if not acted upon by the board of county commissioners within three months after receipt of a recommendation from the Bernalillo County Planning Commission.

(e) *Filing*. The approved statement declaring the vacation of a final plat, or a portion thereof, shall be filed in the office of the county clerk. The office of the county clerk shall mark the final plat with the words "vacated" or "partially vacated" and refer on the final plat to the volume and page on which the statement of vacation is recorded. (f) *Utilities*. The rights of any utility existing before the total or partial vacation of any final plat are not affected by the vacation of a final plat.

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(Ord. No. 96-23, art. 7, § 3, 10-1-96; Ord. No. 2005-7, § 1, 6-28-05)

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## **ANALYSIS:**

The proposed vacation of plat will revert the subject property to the three lots that existed prior to the approval in 2008 by the CDRA of the 10 lot subdivision with one tract of open space, Anoché Cielo.

### **Bernalillo County Subdivision Ordinance**

The proposed Vacation Plat meets all the requirements of Section 74-63 of the Bernalillo County Subdivision Ordinance for Vacation of Plat.

### **Agency Comments**

County staff and representatives from other agencies have provided comments on the request. A majority have no adverse comments for this vacation of plat or indicate that departmental requirements must be met at the time of development of the site.

County Public Works staff have no adverse comments for this action.

County Environmental Health staff comments recommend that any existing septic systems on the site be removed.

New Mexico Department of Transportation recommends that the coordination of the property's access be made with NMDOT.

AMAFCA comments state that a signature line must be added on the plat.

MRGCD comments state that the center line of the Chamisal Lateral should be shown on the plat.

Corrections should be made to the vacation plat prior to final approval by the CDRA:

- Provide signature line for AMAFCA
- Include current Zone Atlas Page on the cover sheet
- Add to purpose of plat that this vacation of plat will revert the property back to the original three MRGDC tracts
- Clarify on the plat that each of the three MRGCD lots will be restored
- Correct the name of the existing road on the property to read Hilbrooke Estates Place NW (to be removed by the vacation)
- Correct the legal description on the plat to indicate that the existing subdivision includes Lots 1-10 and Tract A and correct the name of the street
- Show the center line of the Chamisal Lateral on the plat
- Indicate in notes that the existing zoning of the property is R-1.
- Indicate on plat that the lot line for Tract A will be eliminated by the plat

### **Conclusion**

This request to vacate the Anoché Cielo Plat, which was recorded in 2008, is acceptable for approval. The request will vacate existing lot lines, roads, and easements and will restore the previously-existing three MRGCD tracts for the subject property. There does not appear to be any issues with granting this request. Corrections to the vacation plat as indicated above must be made prior to CDRA members signing the plat.

### **RECOMMENDATION**

Approval of SC-20100001, based on the following Findings and Condition.

Catherine VerEecke  
Program Planner

**FINDINGS:**

1. This request is for approval of a vacation of plat for Lots 1 – 10, & Tract A on HilBrooke Estates Place NW, zoned R-1, and containing approximately 5.12 acres.
2. The request will remove all existing lot lines, roads, and easements that were platted under SC-60007, reverting to the three MRGCD lots (Tracts 179A2, 178A, 179A1) that existed prior to the subdivision of the property.
3. This request is consistent with the health, safety, and general welfare of the residents of the County.

**CONDITION OF APPROVAL**

1. The applicant shall comply with all Bernalillo County Ordinances and Regulations.

**BERNALILLO COUNTY DEPARTMENT COMMENTS**

Environmental Health:

On site visit 5/6/10, EH staff identified one unpermitted well on property. EH recommends this well be abandoned per NMSEO guidelines based upon current condition of repair.

Zoning Administrator:

No comments received.

Fire:

Required access: Fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction.

The required width of a apparatus access road shall not be obstructed in any manner, including parking of vehicles during construction and/or occupancy.

Approved numbers or addresses shall be placed on all new and existing building in such a position as to be plainly visible and legible from the street or road fronting the property and shall contrast with their background. Numerics shall be a minimum of 4 inches in height.

Streets and roads shall be identified with approved signs.

Fire Hydrants shall be installed at the following locations,

1. At the entrance into the subdivision
2. At the end of the street at the Cul-de-Sac.

Approval and/or occupancy pending approved water supplies for fire protection.

Fire hydrants are generally installed according to spacing criteria that varies according to proposed land use. These hydrants may be required to be supplemented with additional hydrants when actual development takes place.

Public Works:

DRAN: No adverse comment.

DRE: No adverse Comments.

Parks and Recreation

REVIEWED. NO COMMENT.



**COMMENTS FROM OTHER AGENCIES**

**MRCOG:**

2nd St is designated as an ITS Corridor in the AMPA Regional ITS Architecture and ITS Corridor Map. Please contact Public Works at 848-1575 for implementation timelines and details.

**AMAFCA:**

No objection to platting action. Add signature line for AMAFCA on the plat.

**City Planning Department:**

No comments received.

**City Public Works:**

Transportation Planning:

No comments received.

Transportation Development:

No adverse comments.

**City Transit:**

No comments.

**City Open Space:**

Open Space has no adverse comments.

**MRGCD**

1. Please show the c/l location of the Chamisal Lateral. (Coordinate with MRGCD Mapping Dept.)

2. 2nd Half of MRGCD assessments due.

**Albuquerque/Bernalillo County Water Utility Authority**

No comments received.

**NMDOT**

Case description: Subdivision within Bernalillo County 6 lots or more

Location: 239 Hilbrooke Estates place NW, Albuquerque, NM 87107.

Type of development (Residential/commercial): Residential.

Possible Impacted NMDOT roadway(s): NM 47 (2nd Street), NM 423 (Paseo Del Norte)

Departments Comments: The developer will need to coordinate with the NMDOT as to how access into and out of the proposed subdivision will be made.

**New Mexico Gas**

No Adverse Comment

**PNM**

PNM has no comments based on information provided to date.